App. F IX-4

† Previous References
Nil 84-25-138, 139

1928.
(Nil)

File No. 63-28
Serial Nos. 174, 180
200, 216

Later References
ML41-30-25 ~~736~~

General and Revenue Secretariat.

Serial Nos. To us

Part B for Jany 1930

SUBJECT

Certain amendments in the Bylaws of the Anekal Municipal Council.

(C 216) To the Dy Commr, Bangalore - L 6596 & 25/30

Sanctions

31/1

Serial No.

1744 Letter no Cr - 6101 / 28-29 dated 1/5 th June 1929 from the Deputy Commr Bangalore Dist forwarding for sanction certain amendments and additions proposed to the bye laws framed by the Municipal Council

From the proceedings it is seen that the amendments proposed have not been published and objections called for as the rules that the original bye laws were published in the Gazette

2) The Dy. commr with if approved has requested to state whether the preliminaries required under sec 60 of the Act have been duly observed and if not to do the same.

Submitted for orders

Sd 21/6/29 Sd 24/6 3) yes

Sd 26/6/29

4) Submitted with a draft for approval

Sd 29/6/29 Sd 6/7 5) Issue -

Sd 1/7/29

180 with 18 of 3 7 29 29 To DC Bangalore Returning the bye laws with certain observations

REV SECTT

App. F III—2]

General and Revenue Secretariat. File No 63 of 1929

Serial No. 260

Letter No. C.2/6106/28-29, dated 7th August 1929, from the Deputy Commissioner, Bangalore District

States that, as per report of the President of the Municipal Council, the proposal under advertance is merely for the reconsideration of the G O. of the 1st September 1926 regarding modifications of Rules III and Bye-laws IV, XI, XV and for sanctioning Bye-law No. V, further publication does not seem to be necessary and requests therefore sanction to the proposed modifications

6) In G O. No 1, 1674/Ml. 84-25-13, dated the 1st September 1926 sanction was accorded to certain rules and Bye-laws framed by the Anekal Municipal Council after making certain modifications.

7) The Municipal Council propose that the alterations made by Government and detailed below may be reconsidered

8) I. Rules for the levy of taxes

In Rule 3 of the rules relating to remission of taxes, Government directed that sanction of Govt was not necessary for remission of irrecoverable items of taxes under Rule 84(5) of the Account Manual The bye-law related to remission on the ground of poverty and in case of vacancies authorised under Section 69(2) of the Regulation Insisting on Government sanction in these cases is unnecessary and the 'the words subject to the sanction of Govt' may be removed

9) II Octroi Bye-laws.-

The draft bye-law No 14(changed to bye-law

Norm—Comm. sheet.

WD 666—GPB—30,000—26-7-29

General and Revenue Secretariat. File No 33 of 192[illegible]

Serial No.

No 43 while approving) provision had been made for the recovery of fines on summary enquiry by the President or Vice-President whose orders should be final and for prosecutions before Magistrates at the discretion of Municipal Councils and for recovery of fines imposed by the President or Vice President as if they were arrears of taxes These provisions were deleted by [illegible] while sanctioning the bye-laws and in support of the deletion, it was explained that the Municipal Regulation provided for the recovery of fines.

10) The Municipal Council explain that in accordance with Section 161A, the Municipal Council have power to compound offences punishable under the Regulation or any bye-law thereunder and that the provisio made in the draft bye-law No. 14 and deleted by Government is very necessary to compound offences in such small Municipalities as Anekal where there are no regular Cokads on the several roads to collect Octroi It is not clear why a law is necessary when the proposed addition to the bye-law will facilitate compounding The pertinent point for consideration is whether the Municipal Council may impose a fine or whether fines should be levied after conviction by a Magistrate. Section 48(1) gives power to prescribe a fine for infringement of a bye-law but not a power to fine Section 161(2) of the Regulation requires prosecution under the bye-laws to be instituted before a Magistrate. The Municipal Council cannot therefore

Norm—Contin. sheet.

Wt 888—G.P.S.—6,000—23-7-29

Serial No.

empowered to enquire into offences They can under Section 161(1) of the Regulation direct prosecutions or other proceedings to be taken for the punishment of persons offending against the provisions of the Regulation or of any bye-law thereunder The proposal of the Municipal Council may not therefore be approved.

III. Market bye-laws

In bye-law No 3 provision had been made for the prohibition of hawking shops on public streets and of shops or markets in places other than the Shandy site or shops on which tax is paid on shandy days. This provision was modified by Govt The Municipal Council explain that on shandy days some traders keep shops on public roads and other Municipal ground in places other than the shandy site and evade payment of market fee and that the bye-law is necessary to control such shops on shandy days.

There is no provision in the Municipal Regulation to make a bye-law as now proposed by the Municipal Council. Under Section 139 of the Municipal Regulation the Municipal Council may direct that no place should be used as a market for the sale of animals, meat or fish, fruit or vegetables intended for human food. This is all that they can do. They may be informed that they have no power to prohibit shops being kept on private places and the provision contained in Section 122 of the Municipal Regulation for removing obstructions and encroachments are quite sufficient to prevent shops being kept in streets on

Note—Comm. sheet.

Serial No.

open spaces without the permission of the Municipal Councils.

(12) IV Bye-laws for control of epidemics

The bye-laws proposed by the Municipal Council contained the following provision :—

"Any dog found straying in any public street or place, without a collar and apparently ownerless, may be destroyed by any person so authorised by the President or Vice-President in that behalf."

This provision was deleted by Government on the ground that it was not [illegible] by the Regulation The Municipal Council explain that in the absence of this bye-law it is difficult to control stray dogs which may turn out to be rabid during the seasons and enquire how stray dogs should be controlled. Necessary provision exists in Section 126A of the Municipal Regulation and the attention of the Municipal Council may be invited to this Section

(13) V Bye-laws for the regulation of temporary structures.

The Municipal Council [illegible] submitted bye-laws for "Recreation ofum pendals on vacant lands -- either public or private within the Municipal limits for dramas, circus and other public entertainments". Then Government consider that the Municipal Council had no power to frame bye-laws in so far as private lands were concerned and the heading of these bye-laws was altered to

Home—Comln. sheet.

WD 625—GPS—Cgmn—25-7-39

General and Revenue Secretariat | File No 53 of 192 8

Serial No

changed into "Erection of pendals on public str or other lands vested in the Municipal Council for dramas, circus and other public entertai

14) The Municipal Council explain that the Municipal Council should be given power to control the erec of pendals both on private and public places and in support of heir contention hey state as follows:-

"The Government have ordered to alter the heading to omit the control of such temporary structures private lands In these small towns there are no permanent Dramatic heaters Temporary structures for dramatic circus and such other temporary - - structures cannot be allowed indiscriminately in all the localities of the town Their location structure and surroundings should be controlled whether in a public or a private place Drama - circus etc are also business A Municipal Council has two functions- One administrative the other controlling Police functions Taxes are levied for the discharge of ordinary duties of the Municipalities Licensing is done to control trades or business and licensing fees are levied Licensing fee is quite different from taxes Paying license fee and taking out a license does not exempt a person from the liability of taxes The two are quite different (Vide pages Municipal Corporation in Briti India Vol iii)

Dramas, circus etc , are business vide schedule III of the Municipal Regulation It is a trade whi is a nuisance in thickly populated localities

NOTE—Contn sheet

WD 066 GPB—80 000—26 7 29

App. F III—2]

General and Revenue Secretariat. | File No. | of 1928

Serial No.

Temporary structures are liable to fire accidents etc. Therefore licensing Dramas, circus is very necessary to regulate and keep control over such business whether the business is done in a private or a public place Under these circumstances, the Government may be moved to be pleased to modify the heading and allow the original heading submitte by the Municipal Council to be retained namely "Bye-laws relating to the erection of temporaty structures, pendals, etc , on public places and vacant sites" Such bye-laws have been sanctioned for Chikmagalur Municipality "

15) A copy of the bye laws framed for Chikmagalur town is obtained from the Assistant and a book for perusal for this connection Rural reference is made to Section 70 (1) & (2) and clause (b) of Section 41 (1) of the Rural Regn. The Pt council has power to charge a fee for permission to occupy a place belonging to or vested in a Rural council. The proposal to charge a fee for construction of temporary structures on private land can not therefore be sanctioned. Again even for permanent structures a copy of the maps before approval,

Note—Contin. sheet.

WD 644—GPB—30,000—26-7-29

2433

App F III—2]

General and Revenue Secretariat | File No. 63 of 192 .

Serial No.

The construction is necessary under Section 4(3) of the Act. The Act makes it a criminal offence for constructing a temporary or permanent structure. The charge against the land given by the land owner do not specify under which clause of Section 4(3) they are made. Clause (a) empowers the Govt. to make byes and for purposes for the temporary occupation of or the erection of temporary structures on public streets or footpaths over public streets. There is no other clause relating to the matter. It is observed whether the Land Courts can issue orders for the erection of temporary structures over either public or private lands other than public streets, and control the putting up of structures for dramas, circus or by means of byes laws. The Land Secretary may perhaps be consulted. The Govt. must have powers under Section 9 (1) to prohibit the use of inflammable materials for erecting sheds and walls and this applies to dwellings on private lands.

Note—Contin Sheet

FD 666—GPB—30,000—26-7-29

27/11/29

App. F III—4]

General and Revenue Secretariat | File No. 63 of 192 Y.

Serial No.

(16) Read a Resolution in which the marginal note against para 8 (7) of the rules, regards the amendments framed by the Medical Member in regard to matters specified therein.

(17) With regard to para 13 (7) of the rules the Medical member will have to be informed that I have no power to levy a fee in regard to temporary structures will have to be limited to those to be built on grounds for the streets as already advised by [illegible] cannot be permitted to impose fee on such structures on private lands. They may be allowed to regulate the construction of building temporary or permanent, & for granting or refusing permission or performances under the existing bylaws etc. to grant structures on private lands, regarding the manner to use such materials, & to build in accordance with the plans & particulars as not to be dangerous to public health or endanger public safety & convenience.

26.11.

(18) I agree. Draft accordingly

27/11

Note—Contin Sheet

WD 666—GPB—10,000—25-7-29

2433

App. F III—2]

General and Revenue Secretariat. | File No. 63 of 1928.

Serial No.	
	Draft submitted with representation 18 Copies A.D. 2/1/29 2nd Reminder 23/1/29 ess 18/1/30 [illegible] 18/1
216	To. The D C Bangalore No L 5596 d 28 I 30 Sanction Approves with certain observations in Bye Laws of the Anekal municipal Council Rauto in G O No 1674 I me 52-25-12 of 1st Octr 26

OFFICE OF THE COUNCIL 11 JAN. 1930 No. 5174

B Sch 22/1/30 L. R. A.

Note—Contin. sheet.

WD 066—GPB—30,000—24-7-29

ml 63-28-174

991

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT

In all future communications please quote—
No. C.-2-6106/28-29
Enc. Two books of bye-laws & 7 papers.

Dated, Bangalore, the 1st June *1929*

5486 ECT (11)
6 JUNE 1929

From

A K Syed Taj Perran, Esq., B.A.,
Deputy Commissioner,
Bangalore District

To

B. Narayanaswami Iyengar, Esq., B.A., B.L.,
General Secretary to the Govt. of Mysore,
Bangalore.

Sir,

Subject — Certain amendments and additions to bye-laws as proposed by the Municipal Council, Anekal.

I have the honor to enclose herewith the entire file in connection with the above and request you to obtain orders of Government on each change recommended by the Municipal Council in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Bangalore District.

L.S R

Appendix F G—1

SUBJECT

.. ..

Diary No of letter replied to.... L 524 21

Section Mil

File No. 63-28

Serial No. 180

No C 13

Enc Bye laws

General and Revenue Secretariat

(Mil)

the 192

To

The Deputy Commissioner

Bangalore District

Date of issue. 13 Y 1929

Sir

Signed by ...Th^r.. D.B.V. Govindaraja Iyer

With reference to your letter no C2-6106/20 29 dated 15-6 forwarding for sanction certain amendments and additions proposed to the byelaws framed by the Municipal Council. I am directed to enquire whether the preliminary steps required under sec 60 of the Municipal Act have been duly observed in respect of the Amendments proposed and if not to do the same. The byelaws received

List of enclosures..... ....

Copied by ... .

Examined by ... .

OVER

with your leave are herewith
returned

Thanks

By
for General Secy to Govt
29-6-17

Gen Dept 463-29-200

In all future communications please quote—
No 22-610b/28-29
Encs. By-Laws

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT

Dated, Bangalore, the 7th August 1929

REV S. 6776 9 AUG. 1929

From

A K Syed Taj Perran, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

B Narayanaswamy Iyengar, Esq., B.A., B.L.,
General Secretary to the Government of Mysore,
Bangalore

Sir,

Subject —

Certain By-laws relating to Anekal Town Municipal Council

With reference to your letter No L.13/LL 83-28-180 dated 3rd July 1929 returning the above by-laws for want of information as to whether the necessary formalities prescribed under Section 80 of Municipal Legislation had been observed, I have the honour to state that as per the report of the President, Anekal Town Municipal Council, the proposal under advertance is merely for the reconsideration of the Government Order No L.1674/LL 84-25-1.6 dated 1st September 1926 wherein sanction was accorded to certain rules and by-laws with certain modifications, disallowing By-Laws No.V Re. the levy of Market or Santhe fees As the entire by-laws and Rules (eighteen in number) were published in the Mysore Gazette dated 21st May 1925 and as the present proposal is merely for the reconsideration of the said Government Order regarding modifications in Rules III and By-Laws IV, XI and XV and for sanctioning the By-Law No.V, further publication does not seem to be necessary Hence I request you to kindly obtain sanction of Government for the proposed modifications of the sanctioned by-laws at an early date

2. The connected file of records are herewith enclosed

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Bangalore District

JS./-

ml 83-28-216-

Proceedings of the Government of H H
the Maharaja of Mysore.

R e a d -

Correspondence ending with letter No. C 2 6806/28-29 dated, the 7th August 1929 from the Deputy Commissioner, Bangalore Dt submitting the resolution of the Anekal Municipal Council requesting that the --- orders may be issued in G O.No. 1674 Ml 84-25-13 dated 1-9-1926 on the Bye-laws framed by the Municipal Council may be modified certain respects

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ORDER NO. 5596/Rural Accounts
Dated, Bangalore, the 25th Dec. 1930.

Rule 3 of the rules for the levy of taxes - The explanation offered by the Municipal Council is accepted and the words "subject to sanction of Government" ordered to be omitted may be deleted

2 Octroi bye-law 14.- The bye-law as proposed by the Municipal Council provides for the recovery of fines on summary enquiry by the President or Vice -- President whose orders should be final and for the recovery of fines imposed as if -- they were arrears of taxes The Municipal Council explain that the retention of this bye-law is necessary in order to enable the Municipal Council to compound offences against Octroi bye-laws Section 68 of the Municipal Regulation gives power to

(15

to Municipal Councils to prescribe a fine for infringement of bye-laws but not the power to inflict fines on offenders Section 161 (2) of the Regulation requires that prosecutions should be instituted before Magistrates and the Municipal Council or a Municipal Officer cannot be empowered to -- enquire into Municipal offences The Ml. Council ~~can~~ under Section 161 (1) only --- direct prosecutions or order proceedings to be taken for the punishment of persons --- offending against the provisions of the Regr or of any bye-law In these circumstances, the bye-law as originally framed cannot be approved

4 Market bye-laws No. 6 - In this bye-law provision had been made for the prohibition of keeping shops on public streets and of shops of markets in places ~~shewn~~ the shandy site or shops on which tax is paid on shandy days The Municipal Council explain that on shandy days some traders keep shops on public roads and Municipal Ground in places other than the shandy site and evade payment of market fee and that the bye-law as framed by them is necessary to control such shops on shandy days There is no provision in the Municipal Regulation to make a bye-law as proposed by the Municipal Council Under Section 139 of the Regulation the Municipal Council may direct that ~~the~~ no place should be used as a market for the sale of animals, meat or fish, fruit or --- vegetables intended for human food

(16

is if all ~~that~~ they can do They have no power to prohibit shops being kept on -- private places ~~through~~ through they may regulate the use of such places for the purpose by providing for inspection etc , A Government consider that the provision contained in Section 122 of the Municipal Regulation for ~~racing~~ removing obstructions and encroachments are quite sufficient to prevent shops from being kept in streets and open spaces with out the permission of the Municipal Cl.

5 Bye-law for destruction of dogs:- The attention of the Municipal Council may be invited to the provision made -- for destruction of stray dogs ~~exists~~ in Section 126 A of the Regulation

6. Bye-laws for erection of temporary sheds &c.- Under Section 70 (1) and (2) and clause (a) of Section 48 (1) of the Municipal Regulation, the Municipal Council have power to charge fees for permission to occupy places belonging to or vested in the Municipal Council The proposal to charge a fee for construction of temporary structures on private land cannot therefore be sanctioned The Municipal Cl may regulate the construction of buildings temporary or permanent for ordinary or -- public purposes or performances under the ordinary bye-laws relating to general --- structures on private lands and require -- owners to use such materials or to build in accordance with specified provisions so as not to be dangerous to the public or to ensure public or private safety.

General Secry to Govt.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read —

Correspondence ending with letter No.C.B. 6006/29-30 dated the 7th August 1929 from the Deputy Commissioner, Bangalore District, submitting the resolution of the Anekal Municipal Council requesting that the order issued in G.O. No.1674/Ml.84-25-13 dated 1st October 1926 on the By-laws framed by the Municipal Council may be modified in certain respects.

Order No.L. 5596/Mnl 63-29-216

Dated, Bangalore the 28th January 1930.

Rule 3 of the rules for the levy of taxes:-The explanation given by the Municipal Council is accepted and the words "subject to sanction of Government" ordered to be inserted may be deleted.

2. Petrol by-law 14.-The by-law as proposed by the Municipal Council provides for the recovery of fines on summary enquiry by the President or Vice President whose orders should be final and for the recovery of fines imposed as if they were arrears of taxes. The Municipal Council explain that the retention of this by-law is necessary in order to enable the Municipal Council to compound offences against Octroi by-laws. Section 48 of the Municipal Regulation gives power to Municipal Councils to prescribe a fine for infringement of by-laws but not the power to inflict fines on offenders. Section 161 (2) of the Regulation requires that prosecutions should be instituted before Magistrates and the Municipal Council or a Municipal Officer cannot be empowered to enquire into Municipal Offences. The Municipal Council may under Section 161 (1) only direct prosecutions or order proceedings to be taken for the punishment of persons offending against the provisions of the Regulation or of any by-law. In these circumstances, the by-law as originally framed cannot be approved.

3. Market by-law No.4:-In this by-law provision had been

build in accordance with specified provisions so as not to be dangerous to the public or to ensure public or private safety.

C19

For General Secretary to Government

To

The Deputy Commissioner, Bangalore District, returning the records.

Appeal.